REMARKS

Claims 1-3 and 5-20 are pending in the present application. Claims 1, 2, 3, 5, 15, 18 and 20 have been amended above, and no new matter has been added by the amendments. Applicants respectfully request that claims 1-3 and 5-20 be reconsidered in view of the foregoing amendments and the following remarks.

Claims 1-3 and 5-20 stand rejected under 35 U.S.C. § 112, second paragraph. Claim 1 has been amended to use Markush-type language to make it clear that the three structures recited are alternatives. It is submitted that this recitation complies with USPTO practice and particularly points out and distinctly claims what the applicant regards as the invention. Claim 5 has been amended to recite that the reinforcing elements are of substantially planar or corrugated metal. While the specification discloses metal strength members generically, it is believed that the present recitation may be found to be clearer. Claim 15 has been amended to clarify that the reinforcing elements are located in the web and also in the web and in one of the jaws of the clip. Claim 17 has been amended to delete the definite article "the" and obviate the need for antecedent basis. Claim 18 has been amended to recite that the weatherstrip is attached to a single flange, which is the essence of a "single-flange" type structure as shown in figure 6 of the drawings. Claim 20 has been amended similarly to that of claim 15 and is believed to recite the location of the reinforcing elements clearly.

Claims 1-3, 6-9, 11-13 and 19-20 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 4,542,610 (Weimer). Claims 1-3, 5, 6, 14 and 19 also stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent Application Publication No. 2002/0144466 (Gopalan et al.). Claims 1-3, 6-13, 15, 16 and 19-20 also stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 4,970,102 (Guillon). Applicants respectfully traverse and request reconsideration of the rejections of the claims under 35 U.S.C. §§102, 103.

Applicants submit that the Office Action has misconstrued Weimer, Gopalan and Guillon. Applicants further submit that one of ordinary skill in the art would not have understood Weimer, Gopalan or Guillon to disclose or suggest the claimed invention.

To anticipate, a cited reference must disclose each and every element of the claimed invention. To establish obviousness, three criteria must be met. First, there

must be some suggestion or motivation, either in the combined references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine reference teachings. Second, there must be some expectation of success. Third, the cited references must disclose or suggest all of the claim limitations. MPEP 2143. For the reasons set forth below, applicants respectfully submit that the cited references fail to anticipate or to establish obviousness with regard to claims 1-3 and 5-20.

Weimer relates to finishing or sealing strips having a gripping section and a sealing section. The strip is formed into an open or a closed ring for mounting on a flange running around an opening in a vehicle body. Weimer describes that a gripping portion 4 is made of channel-shaped resilient material 6 such as plastics or rubber material in which is embedded a reinforcing metal carrier 8. The reinforcing carrier is U-shaped in cross section. As shown in Figure 1, resilient material 6 is formed with a small hollow tubular bore 18 that extends along the complete length of material 6 and is formed during the extrusion process. Bore 18 receives a hardened metal wire that is inserted into bore 18 and is preferably a relatively loose fit within bore 18. Referring to Figure 7, gripping section 4 is formed with two bores 18 at the distal edges of the strips. Each bore receives a wire insert, or inserts, 20.

Nothing in Weimar shows or suggests the claimed structure wherein a slideway includes a clip made of rigid thermoplastic material and includes one or more reinforcing elements as claimed. In fact, Weimar's specific teaching of a resilient material reinforced by a U-shaped clip would have led one of ordinary skill in the art away from the invention as claimed.

The portion of the Weimar disclosure in column 5 cited by the examiner merely teaches the use of the wire inserts as a sort of purse string to maintain the weather strip in place on the door. Nothing suggests the invention as now claimed.

Gopalan is directed to a migration inhibiting layer for a weather strip and describes the layer as including a butyl based elastomer. The migration inhibiting layer is located on at least one of a dense portion and an expanded portion of the weather strip, and is selected to substantially preclude the passage of decomposition products. Substrate 40 of weather strip 10 may be composed of a variety of materials, including thermoplastic and thermosetting materials. In particular, for example, substrate 40 is

composed of TPE, EPDM, and any combination thereof. Referring to Figure 13 of Gopalan, the U-shaped gripping portion of weather strip 10 includes a reinforcing member 43, such as a wire or metal carrier, located in one leg of the gripping portion without any other alternative.

Gopalan also teaches, at paragraphs 27, 28, the use of several different materials, including polypropylene, to provide substrate with relatively rigid and soft portions. This also teaches against the invention as claimed, wherein the clip is made of rigid thermoplastic material. The Gopalan disclosure is vague on this point, but it is clear that it would have led one of ordinary skill in the art away from the claimed invention.

Guillon relates to weather stripping, particularly for the movable glass of an automotive vehicle. Guillon describes the weather stripping as including at least one lip or profiled member intended to come into contact with a movable surface and which is partially coated with a material promoting sliding. Referring to Figure 4 of Guillon, weather strip 40 is manufactured by coextrusion of a U-shaped body 54 made from a relatively hard material shown at 41, a material of lower hardness shown at 42 and discontinuous layer 43 from a material having good sliding properties. In particular, weather strip 40 is manufactured from an elastomer material, where such material is not a rigid material.

Applicants submit that the cited references fail to disclose or suggest all the features of claims 1-3 and 5-20. Specifically, the cited references fail to disclose or suggest a reinforced clip made of a rigid thermoplastic material, as recited in independent claims 1, 15 and 20. Moreover, nothing in the art of record contains any suggestion of the structure recited in claims 15 and 20 wherein the top segment differs from the vertical segment. All of the references of record teach a single structure for the entire weather strip and would not have led one of ordinary skill in the art to the recited structure.

Accordingly, it is submitted that this application is in condition for allowance, and an early indication of such is respectfully requested.

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All necessary extensions of time are hereby requested. Please charge any deficiency and credit any excess to deposit account 50-1088.

Respectfully submitted,
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